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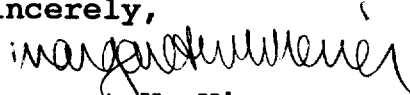
Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

RE: Comments - Notice of Proposed Rule Making,  
PR Docket No. 92-235

Dear Ms. Searcy:

Enclosed for filing are the original and five copies of the Comments of Consolidated Rail Corporation in the captioned proceeding. In addition, as noted in the Certificate of Service, we have served by mail the Commissioners and Ralph Haller, Chief of the Private Radio Bureau.

Sincerely,

  
Margaret W. Wiener

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

In the Matter of )

Replacement of Part 90 by )  
Part 90 to Revise the Private

PR Docket No. 92-235

## I. PRELIMINARY STATEMENT

Conrail is a rail common carrier, which operates a system of 20,595 track miles for rail transportation of freight in 14 states in the Northeast and Midwest, the District of Columbia, and the Province of Quebec. Through its involvement in AAR activities related to the NPRM, Conrail has become familiar with the Commission's proposals for "refarming" and with the proposals of various other user groups and manufacturers on this issue.

Because Conrail operates in an extremely densely populated region of the country, it is thoroughly aware of the spectrum congestion problems that the Commission seeks by its proposals to correct. Conrail supports the Commission's goal of relieving spectrum congestion. However, there are two aspects of Conrail's operations that clearly illustrate the special importance of two of the proposals put forth by the AAR in its Comments.

First, Conrail's system occupies an area that is not only densely populated, but also intensely utilized by other rail operators. Because Conrail serves a number of major metropolitan areas<sup>2/</sup>, including several major ports, Conrail interfaces with nine separate commuter rail operations, conducts extensive classification yard and terminal operations, and interchanges with numerous short line and

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<sup>2/</sup>Conrail serves ten of the top 16 U.S. urbanized areas, ranked by population. See NPRM Appendix D at 57, 396-97, proposed §88.1601.

regional rail operators that provide connections with Conrail's customers. These aspects of its operation affect passenger service, are particularly labor intensive, and raise significant public and employee safety issues that amply illustrate the importance of preserving the Railroad Radio Service, with the AAR as frequency coordinator.

Second, these aspects of Conrail's operations necessitate use of relatively high numbers of portable radios for operational and safety reasons. These portable radios frequently are carried by persons who are also carrying other equipment and must perform strenuous tasks related to railroad operations, such as getting on and off railroad equipment. Since the Commission's proposals for very narrowband technology to increase spectrum efficiency will require increased battery power for portable radios, Conrail is particularly dependent on development of technology that will keep battery weight down and still provide the increased capacity needed to comply with such spectrum efficient technology. Accordingly, Conrail strongly supports the AAR proposed offset overlay conversion plan for the VHF band, which includes a further Notice of Proposed Rule Making in 1999, to reevaluate the need for and availability of technology to achieve the necessary increased spectrum utilization efficiency.

II. THE NATURE OF CONRAIL'S OPERATING AREA RAISES  
CRITICAL SAFETY AND OPERATIONAL ISSUES REQUIRING  
MAINTENANCE OF RAILROAD RADIO SERVICE WITH AAR AS  
FREQUENCY COORDINATOR

required for safe and efficient transportation of passengers and freight.

Commuter rail service by the nine operators with which Conrail interfaces involves an average of about one million passenger trips per weekday. Moreover, Conrail's classification yard and terminal operations, as well as its interface with passenger, short line, and regional railroad services, are highly labor intensive. This is because where locomotives and blocks of freight cars operate in relatively confined spaces and are interchanged from/to tracks operated by different entities, more personnel are involved.

Safe railroad operation depends upon constant radio communication among dispatchers, train crews and classification yard and terminal personnel. In addition, as

literally the critical link for safety of railroad personnel and, especially in Conrail's congested service area, for the safety of the many passengers whose commuter traffic intermixes, crosses or operates in close proximity to Conrail's operations.

Clearly, maintenance of clear uninterrupted radio communications is critical to public and employee safety. AAR frequency coordination of Railroad Radio Service is fundamental for effective system-wide radio communications. Conrail therefore believes that public safety as well as operational efficiency should be protected by maintenance of the Railroad Radio Service with AAR as frequency coordinator.

AAR coordination of frequencies allocated to railroads provides a single point of contact for decisions on allocation issues. The coordinator knows railroad operations and is familiar with railroad frequency uses. This protects radio operations and makes it easier to resolve disputes regarding assignment and interference. Because railroads use PLMR applications for such critical safety functions, the frequency coordinator plays an important safety role by insuring continuous radio access for railroads.

The single railroad frequency coordinator for Railroad Radio Service channels across the country, enhances safe operations by minimizing interference. Railroad radios must have instant access to other nearby passenger and freight railroads' radio channels at all times. Any delays in



railroad radio communications could cost lives. Since the coordinator and most users of railroad frequencies understand operational details and priorities, quick resolution of problems is possible.

Preserving the Railroad Radio Service coordinated by the AAR will protect the important safety functions of railroad radios.

III. A FURTHER NOTICE OF PROPOSED RULE MAKING IS NECESSARY  
IN 1999 TO REEVALUATE TECHNOLOGY DEVELOPMENTS IN LIGHT  
OF EFFICIENCY REQUIREMENTS, PARTICULARLY IN THE CASE OF  
PORTABLE RADIOS

As described above, the nature of Conrail's service area, because of its dense population, numerous terminals, and use by multiple different rail operators, requires relatively high numbers of portable radios for operational and safety reasons.<sup>6/</sup> Train crews rely almost exclusively on portables to communicate with each other when moving railcars in classification yard and terminal operations. The crew member with a portable radio is to the locomotive engineer, as automobile rear and side view mirrors are to the driver. Thus, safe operations depend on portable radio communications.

While Conrail supports the Commission's efforts to achieve increased efficiency of spectrum utilization, certain kinds of increases in efficiency, namely the use of

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<sup>6/</sup>Conrail is one of the largest railroad users of portable radios, with an inventory of 22,588 portables.

very narrowband equipment, present special technological problems for portable radios. This is because portables would require greatly increased battery capacity to support the very narrowband specifications being considered by the Commission. Increased battery capacity may, unless substantial technology improvements are realized, make portable radios too heavy to be called "portable". This is especially important in railroad operations, where the users of portable equipment are frequently called upon to perform strenuous tasks, such as getting on and off railroad equipment, throwing hand-operated switches, and work involved in the coupling and uncoupling of cars.

As more fully discussed in the AAR Comments, increased efficiency may be achieved by methods other than very narrowband technology. Particularly in the case of portable radios, such solutions could avoid considerable expense without sacrificing efficiency gains. Requiring a further Notice of Proposed Rule Making in 1999 to assess whether to adopt very narrowband technology or a very narrowband efficiency standard, is especially important where portable radios provide essential safety communications. For this reason, Conrail strongly supports AAR's offset overlay conversion plan for the VHF band.

#### IV. CONCLUSION

Conrail's densely populated service area, which is also actively utilized by multiple other rail carriers of freight and passengers vividly illustrates the critical safety

functions of railroad radio communications for the public and for railroad employees.

Conrail believes that preserving the Railroad Radio Service coordinated by the AAR is crucial to protecting these safety functions and preventing deaths and injuries. In addition, because Conrail relies heavily on portable radios for safe operations, it strongly supports the AAR offset overlay conversion plan for VHF, which will achieve efficiency gains without committing at this early stage to a specific technology that may prove unnecessary and expensive, especially for portable radios.

Respectfully submitted,

CONSOLIDATED RAIL CORPORATION

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Attorneys for Consolidated  
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May 27, 1993

CERTIFICATE OF SERVICE

I, KATHLEEN A. FELICI, a secretary for Consolidated Rail Corporation, do hereby certify that a true and correct copy of the foregoing "Comments of Consolidated Rail Corporation" was sent first class mail, this 27th day of May, 1993, to the following:

Commissioner James H. Quello  
Federal Communications Commission  
1919 M Street, N.W., Room 802  
Washington, D.C. 20554

Commissioner Andrew D. Barrett  
Federal Communications Commission  
1919 M Street, N.W., Room 844  
Washington, D.C. 20554

Commissioner Ervin S. Duggan  
Federal Communications Commission  
1919 M Street, N.W., Room 832  
Washington, D.C. 20554

Ralph Haller, Chief  
Private Radio Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 5002  
Washington, D.C. 20554

  
KATHLEEN A. FELICI